

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	10-CR-00789
	)	
vs.	)	
	)	
ANTONIO ORTIZ,	)	Philadelphia, PA
	)	June 13, 2011
Defendant.	)	

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE R. BARCLAY SURRICK  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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I N D E X5(k)(1.1) Motion

Ms. Fisk 4

THE COURT: Ruling 8

Sentencing Argument By:

Ms. Lin 8

Ms. Fisk 14

Allocution

Mr. Ortiz 17

Sentence

THE COURT: 18

1 (The following was heard in open court at 10:00 a.m.)

2 THE COURT: Okay. We have the case of United States  
3 v. Antonio Ortiz. It's number 10-789. Counsel, please  
4 identify yourselves for the record.

5 MS. FISK: Arlene Fisk on behalf of the Government.  
6 Good morning, Your Honor.

7 MS. LIN: Good morning, Your Honor. Susan Lin on  
8 behalf of Mr. Ortiz. Also at counsel table with me is Jill  
9 Steinberg, she is a paralegal litigation specialist from my  
10 office.

11 THE COURT: All right. We have an interpreter here  
12 this morning. Mr. Finney, will you swear the interpreter?

13 THE CLERK: Ms. Weaver, will you please raise your  
14 right hand.

15 LOIS WEAVER, INTERPRETER, SWORN

16 THE COURT: All right. Counsel, you have received a  
17 copy of the presentence report. Are there any objections to  
18 the report, at this juncture?

19 MS. FISK: No, sir.

20 MS. LIN: No, Your Honor.

21 THE COURT: All right. I have reviewed the  
22 presentence, I'm going to adopt the factual matter contained  
23 in it. The presentence calculates the sentencing guidelines  
24 to be 262 to 327 months.

25 I've also received sentencing memoranda from the

1 Government and from defense counsel. I have read those  
2 memoranda. They are made a part of the record.

3 Now, Ms. Fisk, I understand you have a motion to  
4 make?

5 MS. FISK: Yes, Your Honor. The Government has  
6 filed a motion under United States Sentencing Guideline  
7 5(k)(1.1), as well as under Title 18, United States Code  
8 Section 3553, regarding a request for a departure both from  
9 the sentencing guidelines, as well as the applicable mandatory  
10 minimum.

11 This motion for a departure is based upon the  
12 defendant's substantial cooperation in the prosecution and  
13 investigation of other individuals.

14 Regarding the specific factors that this Court needs  
15 to consider under Torres regarding the nature of the  
16 defendant's assistance. The defendant testified before a  
17 grand jury, leading to the issuance of a superceding  
18 indictment in this information, permitting the Government to  
19 indict Francisco Garcia, with whom he conspired to accept  
20 delivery of the half kilogram of cocaine in August of 2010.

21 He also testified before the grand jury and provided  
22 law enforcement with information about a kilogram of cocaine  
23 that he accepted on behalf of Angel Maldonado. Angel  
24 Maldonado, at that point, had already pled guilty before this  
25 Court on another kilogram of cocaine that he had accepted at

1 his own home through the mails the day after, but had denied  
2 that he had accepted any other kilograms of cocaine, until the  
3 defendant provided us with information about a kilogram that  
4 he had provided for Angel Maldonado.

5 As a result of the defendant's statements to us, we  
6 were able to confront Angel Maldonado with that information  
7 and obtain from him admissions to additional kilograms of  
8 cocaine, all of which will be relevant at his sentencing  
9 before this Court, which has now been continued, because of my  
10 vacation, until sometime in August.

11 So that is the nature of the cooperation. The  
12 defendant has also, Your Honor, proffered with regard to a  
13 great deal of other matters about which he has knowledge, both  
14 drug trafficking and tax fraud matters.

15 None of that information has yet resulted in any  
16 other prosecution or arrest, although it appears to be  
17 reliable, and it has been given to the various law enforcement  
18 agencies with an interest in that information, and continues  
19 to be investigated.

20 Though it was certainly not a basis for delaying the  
21 sentencing, I certainly wanted to advise the Court of its  
22 existence.

23 With regard to the significance of the cooperation,  
24 it is really self-evident from the Government's  
25 representation, that is that we are more aware of the bad acts

1 committed by Angel Maldonado, an unindicted co-conspirator in  
2 this matter, and we were also able to successfully prosecute  
3 Francisco Garcia who, following his arrest, as this Court is  
4 aware, pled guilty to the charges as well.

5 The reliability of the information, specifically  
6 with regard to those individuals I've mentioned, has been  
7 corroborated by other independent admissions, as well as  
8 police and law enforcement investigations.

9 The danger to the defendant exists from the general  
10 status of a cooperator in a prison setting. We are not aware  
11 of any specific threats against the defendant.

12 I do know that the defendant is of the belief, and  
13 there's no reason, again, to dispute that, that one of the  
14 persons who was providing narcotics to Angel Maldonado is  
15 indeed a violent person, who would have the ability to harm  
16 someone that he chose to harm.

17 So that potential also exists. But, again, we have  
18 no specific information. Regarding the timeliness of the  
19 defendant's cooperation, it could not have been more  
20 immediate. The defendant was arrested by state bureau of  
21 narcotics investigation officers in August of last summer, and  
22 was held in local custody.

23 When Federal investigators who were involved in the  
24 investigation of Mr. Maldonado became aware of the defendant's  
25 incarceration, knowing him to have been a suspect in the prior

1 involvement with Maldonado, they interviewed the defendant,  
2 who was in custody on another matter, about his dealings with  
3 Maldonado.

4 The defendant gave a statement of admission to those  
5 investigators from the prison setting. The investigators  
6 returned, warned him again, interviewed him again, and he made  
7 further, more detailed admissions regarding his contact with  
8 Maldonado.

9 At that point, the defendant was brought over to the  
10 Federal system on a complaint and warrant regarding --  
11 regarding the Maldonado contacts. And the defendant then gave  
12 a full admission, not only about his Maldonado contacts, but  
13 also about the August 2010 contacts.

14 The defendant signed a plea agreement and agreed to  
15 plead guilty to an information, even without requiring the  
16 Government to go to grand jury. And it was only after he  
17 signed that plea agreement and pled guilty to the information  
18 that he then appeared in front of the grand jury, permitting  
19 the Government to obtain the superceding indictment.

20 Based on all of those factors, Your Honor, the  
21 Government has filed this motion and would ask the Court to  
22 consider the departure.

23 THE COURT: Counsel, do you have anything you want  
24 to add at this juncture?

25 MS. LIN: Not at this juncture, Your Honor. Thank

1 you.

2 THE COURT: All right. It's clear that the  
3 defendant should be granted the downward departure motion  
4 under 5(k)(1.1), 3553(e). He did come forward in a timely  
5 fashion. He gave reliable, significant information. In  
6 situations like this, there is always some danger. So I am  
7 satisfied that the granting of the motion is perfectly  
8 appropriate, and I will downwardly depart from the sentencing  
9 guidelines and from the mandatory minimum. All right?

10 MS. FISK: Yes, sir.

11 THE COURT: Counsel, I'll now hear whatever you have  
12 to say.

13 MS. LIN: Thank you, Your Honor. Your Honor, the  
14 defense in this case is asking the Court to sentence Mr. Ortiz  
15 in, basically in the non-career offender guideline range.

16 Were it not for the career offender guideline range,  
17 or guideline section, Mr. Ortiz' guideline range would be 84  
18 to 105 months.

19 That's based on an offense level calculated  
20 according to the behavior in this offense, which is 26,  
21 subtract the three for acceptance of responsibility, and his  
22 criminal history category would be five, based on his prior  
23 contacts with the criminal justice system.

24 We're actually asking the Court to consider the  
25 bottom end of that guideline range, 84 months, as an



1 appropriate sentence in this case. I believe that that range  
2 does reflect both the seriousness of this offense and Mr.  
3 Ortiz's prior criminal history.

4 The cooperation that Mr. Ortiz has provided to the  
5 Government certainly also merits the Court's consideration of  
6 the non-career offender guideline range. Additionally, the  
7 Sentencing Commission itself has recognized, in its 15 year  
8 report, which I did cite in the sentencing memorandum, that  
9 the career offender guideline range often does not meet, or  
10 does not work towards the goal of a sentencing that's actually  
11 set forth in Section 3553.

12 The studies have shown, or the Commission itself has  
13 found that oftentimes the career offender guidelines  
14 disproportionately impact people of color, which leads to less  
15 faith in the criminal justice system, which counteracts the  
16 purpose of just punishment that's supposed to be one of the  
17 goals of 3553.

18 Additionally, the Commission itself has found that  
19 oftentimes, especially in the case of drug offenders, the  
20 career offender guideline range does not work towards the goal  
21 of general deterrence. That in reality the certainty of  
22 punishment is much -- has much greater deterrent effect than  
23 the length of the punishment.

24 I also refer to that, and flesh that out in more  
25 detail on page 11 of my sentencing memorandum.

1           Finally, the Sentencing Commission has found that as  
2   far as individual deterrence is concerned and recidivism rates  
3   are concerned, that there is the same level of recidivism for  
4   those who are sentenced under the regular non-career offender  
5   guidelines, as those who are sentenced under the career  
6   offender guideline range.

7           For all those reasons, Your Honor, I'd ask that you  
8   consider that this particular case, the starting point for the  
9   Court really should be the non-career offender guidelines,  
10   rather than the career offender guideline range.

11           And, finally, Your Honor, I believe that the most  
12   important reason the Court should consider an 84-month  
13   sentence, is Mr. Ortiz's personal history and characteristics.

14           In Puerto Rico, when he was a child, he was  
15   diagnosed as being mildly mentally retarded. We have attached  
16   school records indicating that they placed him in special  
17   education classes because he is categorized as mentally  
18   retarded.

19           The PSR does refer to a psychiatric report that was  
20   completed when Mr. Ortiz was approximately 15 years old. It  
21   found that his IQ level was 70. According to the DSM-IV, that  
22   is within the range of one who is mildly mentally retarded.

23           Additionally, there is attached to the sentencing  
24   memorandum a diagnosis from a neurologist in Puerto Rico who  
25   found that Mr. Ortiz was both dyslexic, that he needed a lot

1 of help in his education and his academic work, and that there  
2 were slight abnormalities in his EEG.

3 Your Honor, the bottom line is that this all works  
4 together to, in Mr. Ortiz, to create a kid who is pretty  
5 suggestible to others.

6 The nature of mild mental retardation is not that  
7 it's completely obvious at first meeting that somebody is  
8 mildly MR. It's more like somebody who can only reach the  
9 sixth level, the sixth grade level of education.

10 According to the DSM-IV most people who have this  
11 diagnosis can't get beyond that range. Also according to  
12 DSM-IV, and as recognized by the Supreme Court in Atkins, many  
13 people who suffer from mental retardation are easily led by  
14 others.

15 They generally tend to follow the people around  
16 them. They don't think about the consequences of their  
17 action. They are slow in information processing.

18 In the case of Mr. Ortiz, I believe that much of his  
19 criminal conduct was due to him, frankly, surrendering himself  
20 -- surrounding himself with the wrong people. Even in this  
21 case, he accepted a package at the suggestion of Maldonado.

22 He and Garcia were involved in a sting together,  
23 because a third party had asked Ortiz if he could obtain  
24 cocaine for another interested buyer.

25 When he was in Puerto Rico in the care of his

1 mother, this stuff wasn't happening. It was only when he came  
2 to Philadelphia and was no longer around people who were  
3 actually watching out for him and caring for him.

4 His flat affect and reticence, which was noted  
5 during the presentence investigation report interview, which  
6 is fairly obvious when anyone talks to him, I believe is due  
7 to his diagnosis of MR, and because he does suffer from some  
8 depression and anxiety.

9 Your Honor, none of this means that he shouldn't be  
10 punished for what he did. He absolutely took these actions,  
11 he did break the law. He was competent, he understood that he  
12 was breaking the law when he did them.

13 I would just ask the Court to consider that this  
14 makes him slightly less personally culpable than other people  
15 who commit the same actions, who do not suffer from this  
16 condition.

17 Once again, Atkins, the case did recognize that it  
18 is -- that many times people who are mentally retarded do have  
19 a slightly lesser degree of personal culpability.

20 Finally, Your Honor, our office did speak with Julia  
21 Brito, who is the mother of Antonio Ortiz. She is in Puerto  
22 Rico right now. She has written Mr. Ortiz often begging him  
23 to come home since he's been incarcerated. She has expressed  
24 to our office that, as he was growing up, that she had him  
25 looked at by psychiatrists and social workers, that she tried

1 to do the best she could for him.

2 That what she was told by the psychiatrist was that,  
3 he is going to be somebody who models himself after the people  
4 who are around him. And that what he really needs is a lot of  
5 guidance.

6 I recognize that this presents an interesting  
7 dilemma for the Court, because we don't want him out on the  
8 street and all of a sudden following the wrong people again.  
9 But in this case, his mother is willing to take him home to  
10 Puerto Rico.

11 He has done fine in her care. He has indicated that  
12 he doesn't want to have any contact with anyone from his old  
13 life again. He indeed is no longer in contact with his  
14 girlfriend, who was not helping him at all in his prior life  
15 and the people he was hanging out with.

16 And he has acknowledged that he needs to go home.  
17 That she was the only one who ever actually looked out for  
18 him. That because of the people who he hung out with, who all  
19 were saying, oh, we're going to help you out, we're going to  
20 watch out for you, and he would do what they asked, that it  
21 has just landed him in prison over and over again.

22 Your Honor, a sentence of 84 months is more than  
23 he's ever served in the past. A sentence of 84 months is  
24 plenty of time for the Bureau of Prison to set up the programs  
25 that are necessary to help him acknowledge what he needs to do

1 when he gets out.

2 He has had a habit of smoking a lot of marijuana.  
3 An 84-month sentence in prison would allow him to address that  
4 issue as well, through the drug programs provided by the  
5 Bureau of Prisons.

6 Court's indulgence, please.

7 (Pause)

8 MS. LIN: And with that, I would incorporate  
9 anything else in the written submission that I might have  
10 neglected in my oral presentation. Thank you, Your Honor.

11 THE COURT: All right. Thank you, Ms. Lin. Ms.  
12 Fisk?

13 MS. FISK: Your Honor, the Government does not agree  
14 that the guidelines as a result of the motion should simply  
15 eliminate the career offender calculation. I mean, that is  
16 not I believe what the sentencing guidelines anticipate.

17 The sentencing guidelines and the Supreme Court  
18 directs the Court to do a calculation under the guidelines  
19 first, and then utilize that as part of the consideration in  
20 determining an appropriate sentence.

21 And it would be the Government's position that it is  
22 from the guidelines calculation that this Court should then  
23 depart downward, in a manner that the defendant deserves.

24 What is disturbing about the defense counsel's  
25 representation to the Court, and the suggestion that the

1 defendant was surrounded by the wrong people and that's why he  
2 did the wrong things, is the fact that when both of these  
3 criminal events occurred, the defendant was on parole. Had  
4 access to Pennsylvania State parole agents.

5 In fact this parole expired, his formal parole  
6 expired a day or two before he accept -- he committed the  
7 August 2010 offense, and that matter he was then on probation.

8 He was fully on parole from a state conviction for  
9 aggravated assault, not drug trafficking, when he committed  
10 the April -- I'm sorry, the March 31st transaction, where he  
11 accepted the half kilo of cocaine.

12 So the defendant did have access to law-abiding  
13 individuals. Individuals who were attempting to point him in  
14 the right direction. Individuals who were presumably  
15 following up with him regarding education, regarding  
16 vocational skills.

17 Even his drug treatment, one can only assume, was at  
18 least addressed during the extensive state incarceration  
19 period that he attended after his conviction -- his third  
20 conviction for aggravated assault. Because in fact, though he  
21 is a career offender, he is a career offender by virtue of  
22 three, not merely two prior convictions. Two of them being  
23 drug trafficking convictions and the third being the  
24 aggravated assault conviction, which followed fairly shortly  
25 on the heels of his second arrest, which also resulted in a

1 conviction.

2 So though one would hope that the defendant would  
3 surround himself with people who will point him in the right  
4 direction, history at least tells us that in the past when he  
5 has had access to those people, he has not utilized that  
6 opportunity and chose to turn one direction, rather than  
7 another.

8 It is certainly that action and that choice on the  
9 defendant's behalf which still calls for a substantial  
10 sentence, tempered by a reduction. Because but for  
11 cooperation of the defendant two additional drug traffickers  
12 would not be facing the same level of sentencing that they are  
13 now facing.

14 And we certainly do rely on individuals, like this  
15 defendant, to share information to allow us to go further and  
16 to bring in additional offenders. And he absolutely deserves  
17 consideration for that.

18 For those reasons, then, the Government does ask  
19 that the departure start from the otherwise advisory  
20 sentencing guidelines and go down from there, taking into  
21 consideration the background of the defendant, the nature of  
22 his convictions, and the choices that he has made.

23 It is -- the defendant -- and, again, the defense  
24 counsel's representation is that his mother will assure that  
25 this doesn't happen again.



1           It appears from the PSR that the defendant is the  
2           one who chose to leave school when he was in fact before the  
3           age of majority, at age of 17, in order to come to the United  
4           States.

5           It doesn't appear that he was stopped. It doesn't  
6           appear that his mother either prevented him from, or joined  
7           him in that decision, or disagreed with that decision, but he  
8           was, even before he reached the legal age of majority, was  
9           making his own choices and making decisions, which  
10          subsequently have caused him to end up in this courtroom.

11          I don't know that we can really place on his mother  
12          the burden, the obligation, or the ability to curb the kind of  
13          conduct and the actions that we have seen in a fairly  
14          substantial criminal career.

15          THE COURT: All right. Ms. Lin, do you want to  
16          bring your client forward?

17          (Pause)

18          THE COURT: All right. Mr. Ortiz, in a few minutes  
19          I'm going to impose a sentence on you. But before I do that,  
20          I will hear anything you want to say.

21          THE DEFENDANT: I accept responsibility and I  
22          apologize to the United States for any harm I have caused.  
23          And I'd like to go back to my mom.

24          And to be with my mom and my grandma and my family.  
25          That's all.

1           THE COURT: All right. The sentence that I impose  
2 on Mr. Ortiz as to punish him for the crimes that he has  
3 committed has to act as a deterrent both to him and to others  
4 who might decide to become engaged in this type of conduct.

5           I think perhaps most importantly in this particular  
6 case it has to protect the public, and it has to provide for  
7 some rehabilitation, if needed.

8           Mr. Ortiz has admitted committing very serious  
9 offenses. The crimes here, possession with intent to  
10 distribute 500 grams or more of cocaine, it's a very serious  
11 offense. The drug problem in this country is destroying many,  
12 many people. And Mr. Ortiz was participating in and  
13 furthering that end.

14           So I have to look at this offense -- these offenses  
15 as being very serious in nature. In looking at the defendant,  
16 it is troubling that he has three prior convictions, two of  
17 them for drug offenses, the same offenses that we're talking  
18 about here.

19           He was sentenced to two to four years in jail, and  
20 it didn't teach him anything. He committed an aggravated  
21 assault, which is very, very disturbing. It's one thing to  
22 suggest that Mr. Ortiz has been led by others into the drug  
23 trade, it's quite another to look at this criminal record and  
24 aggravated assault, where he evidently got into an argument  
25 with somebody and shot him.

1           He wasn't led into that. He was sentenced to three  
2           to six years for that offense. And here he stands before me  
3           facing sentencing guidelines of 262 to 327 months. So as I  
4           said a few minutes ago, I think the thing that I have to be  
5           most concerned about here is protection of the public.  
6           Protecting them from Mr. Ortiz.

7           Now he has, in fact, come forward in a timely  
8           fashion, he has given significant information to the  
9           Government. He has assisted the Government in prosecuting  
10          others. And for that he does deserve consideration, and I  
11          will give him consideration. And, frankly, I'll give him  
12          serious consideration.

13          But I don't believe it's necessary to go back to the  
14          pre-career offender status of Mr. Ortiz in order to do justice  
15          in this situation. He is a career offender, he earned it and  
16          he has to live with the consequences of that.

17          But I will give him substantial consideration for  
18          his cooperation, the assistance that he has given. I'm also  
19          going to take into consideration the information that's  
20          provided in the presentence report, and that counsel again  
21          advised me of this morning, and that is his background, his  
22          mental health state.

23          It is apparent that there are deficiencies, and they  
24          do, in some respects, explain, they don't justify, but they do  
25          in some respects explain the conduct. So I'm going to impose

1 a sentence that punishes Mr. Ortiz, that will protect the  
2 public for a period of time, and that will act as a deterrent  
3 to others who might decide to become engaged in this conduct.

4 And I will recommend strongly that the Bureau of  
5 Prisons not only address the drug problem that he has, the  
6 marijuana problem, but also provide whatever assistance they  
7 can in the mental health area.

8 I'm satisfied that a sentence of 132 months is an  
9 appropriate sentence. That is a significant downward  
10 departure from the sentencing guidelines, but it is an 11 year  
11 sentence. And I think that Mr. Ortiz deserves that sentence  
12 under all of the circumstances.

13 I'm going to place him on supervised release for a  
14 period of, I believe the period is 8 years on the Count 2.  
15 And I do that, because history indicates that there may be  
16 recidivism here. And the Court should be in a position to  
17 address that, if it occurs.

18 I'm not going to impose a fine. Mr. Ortiz is going  
19 to have to pay the special assessments of \$200. But under all  
20 the circumstances, I believe that that is a reasonable  
21 sentence. And, counsel, I will hear anything more you want to  
22 say before I formally impose that sentence.

23 MS. LIN: Would the Court at this point be -- I  
24 don't know if it's appropriate at this point, be willing to  
25 allow eventual transfer of supervised release to the District

1 of Puerto Rico?

2 THE COURT: I have no problem with that at all. And  
3 as a matter of fact, I recommend it strongly. If Mr. Ortiz  
4 goes home, perhaps his mother can be of assistance, on the one  
5 hand, but on the other hand, at least the people in  
6 Philadelphia will be protected.

7 MS. LIN: And, Your Honor, one additional thing,  
8 which I did not raise because the facts are so murky at this  
9 point in time.

10 The prior aggravated assault conviction that Mr.  
11 Ortiz had, I did pull the transcript from that jury trial. It  
12 had originally been a jury trial that resulted in a hung jury,  
13 and then he ended up pleading guilty to it.

14 And he did give a confession to it. But when the  
15 complaining witness came into Court the complaining witness  
16 was fairly adamant on the record that Mr. Ortiz was not the  
17 one who actually shot him.

18 Now Mr. Ortiz did give a confession to that case and  
19 he did plead guilty to it. I've never been able to figure out  
20 what actually happened, and, so, therefore, I don't know if  
21 that's mitigating or not. But I figure the Court should  
22 probably know that there is murkiness surrounding that.

23 THE COURT: All right.

24 MS. LIN: For whatever it's worth.

25 THE COURT: Ms. Fisk, do you have anything more?

1 MS. FISK: No, sir.

2 THE COURT: All right. Pursuant to the Sentencing  
3 Reform Act of 1984, it's the judgment of the Court that you,  
4 Antonio Ortiz, be committed to the custody of the Bureau of  
5 Prisons for a period of 132 months on Counts 1 and 2 of the  
6 indictment. Those sentences to run concurrently with each  
7 other.

8 Upon your release, you're placed on supervised  
9 release for a period of 8 years. Specific conditions of  
10 supervised release are that you're not to possess controlled  
11 substances, you not possess firearms, you not violate any  
12 state, federal or local laws.

13 I'm not going to impose a fine, no useful purpose  
14 would be served by that. I'm going to direct that you pay the  
15 special assessments of \$200, and that you stand committed  
16 until that sentence is complied with.

17 With regard to the sentence of incarceration, I'm  
18 going to strongly recommend that the Bureau of Prisons  
19 evaluate Mr. Ortiz both for mental health problems, and for  
20 drug problems, and that he receive whatever treatment is  
21 recommended as a result of those evaluations.

22 Mr. Ortiz, do you understand the sentence that I've  
23 just imposed?

24 THE DEFENDANT: I don't know how much it was.

25 THE COURT: The sentence was 132 months, or 11

1 years. Do you understand?

2 THE DEFENDANT: Um-hum (in English).

3 THE COURT: Mr. Ortiz, you do have a right to  
4 appeal. I believe your appeal rights are limited by your plea  
5 agreement. Nevertheless, I'm obligated to tell you that if  
6 you want to file an appeal it has to be done within 14 days.  
7 We'll give you counsel to file that appeal free of charge. Do  
8 you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Ms. Lin, you are representing him. You  
11 will protect his interest during the appeal period?

12 MS. LIN: Yes, Your Honor.

13 THE COURT: Anything further?

14 MS. FISK: No, sir.

15 MS. LIN: No, Your Honor. Thank you.

16 MS. FISK: Actually, Your Honor, I don't know  
17 whether the defense has a request that he be placed near any  
18 particular place with regard to prisons.

19 MS. LIN: Your Honor the only family he really has  
20 is in Puerto Rico. I don't know if there's anything the  
21 Bureau of Prisons can do about that. I'm pretty sure there's  
22 no facility in Puerto Rico. But if it's possible to put in  
23 there that his only family lives there.

24 THE COURT: I would -- I will certainly recommend  
25 that he be placed in an institution as close to his home in

1 Puerto as possible.

2 MS. LIN: Thank you, Your Honor.

3 THE COURT: All right. Recess.

4 MS. FISK: Thank you, Your Honor.

5 (Proceedings concluded at 10:33 a.m.)

6 C E R T I F I C A T I O N

7 I, Josette Jones, court approved transcriber, certify that the  
8 foregoing is a correct transcript from the official digital  
9 audio recording of the proceedings in the above-entitled  
10 matter.

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13 JOSETTE JONES

DATE

14 DIANA DOMAN TRANSCRIBING